



ANNO SEXTO

VICTORIÆ REGINÆ.

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Cap. ix.

An Act to increase the Capital of the *Sheffield, Ashton-under-Lyne, and Manchester* Railway Company, and to alter and enlarge the Powers of the said Company. [11th April 1843.]

WHEREAS an Act was passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for making a Railway from Sheffield in the West Riding of the County of York to Manchester in the County of Lancaster*: And whereas another Act was passed in the last Session of Parliament, intituled *An Act to alter and amend some of the Provisions of the Act relating to the Sheffield, Ashton-under-Lyne, and Manchester Railway*: And whereas the Undertaking by the said recited Acts authorized has been partially completed, but the Capital of the said Company, as limited by the said first-recited Act, is insufficient for completing the Remainder thereof, and it is expedient that the same should be increased, and also that some of the Powers and Provisions of the said recited Acts should be amended and enlarged: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,
[Local.] I i and

Extending
Powers of
former Acts
to this Act.

and by the Authority of the same, That all the Provisions, Matters, and Things contained in the said recited Acts, so far as the same are now unrepealed, and except such of them as are by this Act or any Statute repealed, altered, or otherwise provided for, shall extend to this Act, and shall operate with respect to the Purposes of this Act as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act with reference to such Purposes.

Power to
raise an ad-
ditional Sum
of Money by
Subscription.

II. And be it enacted, That it shall be lawful for the said Company to raise, by creating new Shares, in addition to the Sums of Money which they are authorized to raise by virtue of the said first-recited Act, any further Sum of Money not exceeding in the whole the Sum of Four hundred and fifty thousand Pounds.

New Shares
to be consi-
dered the
same as ori-
ginal Shares.

III. And be it enacted, That the Capital so to be raised by the Creation of new Shares shall be considered as Part of the general Capital of the Company, and shall be subject to the same Provisions in all respects, whether with reference to the Payment of Calls, or the Forfeiture of Shares on Nonpayment of Calls, or otherwise, as if it had been Part of the original Capital, except as to the nominal Amount or Value of such Shares, and the proportionate Dividends thereon respectively, and except also as to any special Advantages in favour of or other Regulations in relation to such Shares which may be resolved on by any General or Special General Meeting of the said Company, and except as to the Amount and Time of making and of Payment of Calls on such new Shares, which the Directors of the said Company shall fix from Time to Time as they shall think fit.

If old Shares
at a Pre-
mium, new
Shares to be
offered to
original
Shareholders.

IV. And be it enacted, That if at the Time of the Creation of such new Shares the then existing Shares of the Capital Stock of the Company be at a Premium, or of greater actual Value than the nominal Value thereof, then the Sum so to be raised shall be offered to the then Shareholders in proportion, as nearly as can be conveniently done, to the then existing Shares held by them respectively, and such Offer shall be made by Letter under the Hand of the Secretary given to or sent by Post to each Shareholder, or left at his usual or last Place of Abode, or addressed to his last Address appearing in the Register Book of Shareholders, of which Letter having been so given or sent the Certificate of such Secretary shall be conclusive Evidence, and such new Shares shall vest in and belong to the Shareholders who shall accept the same and pay to the Company the Price at which the same were allotted to them at the Times and by the Instalments which shall be fixed by the Company; and if any Shareholder fail, for One Month after such Offer of such new Shares, to accept the same, or to pay any of the Instalments called for in respect thereof, it shall be lawful for the Company to dispose of such Shares to any Party willing to become the Purchaser thereof, for such Sum as the Company can obtain for the same, or otherwise as they shall think proper.

If not at a
Premium, to
be issued as

V. And be it enacted, That if at the Time of the Creation of such new Shares the existing Shares of the Capital Stock of the Company

Company be not at a Premium, then such new Shares may be of such nominal Amount or Value, and may be issued in such Manner, and at such Price, and with such Preference or Priority in the Payment of Dividends or of Interest over the other Shares in the Company, or with such other Advantages as shall be determined upon at any General or Special General Meeting of the said Company. the Company think fit.

VI. And whereas by the first of the said recited Acts the said Company are authorized to raise in the whole the Sum of Seven hundred thousand Pounds in Shares, and to borrow on the Credit of the said Undertaking the Sum of Two hundred and thirty-three thousand Pounds; be it therefore enacted, That after One Half of the said Sums by this and the said first-recited Act authorized to be raised by Shares shall have been paid up, it shall be lawful for the Company to borrow on Mortgage such Sums of Money as shall from Time to Time be authorized to be borrowed by Order of a General Meeting of the Company, not exceeding in the whole (exclusive of the Sum authorized to be borrowed by the said first-recited Act, and the Power to borrow which it is declared shall not be prejudiced by this Act,) the Sum of One hundred and fifty thousand Pounds, and to secure the Repayment of the Money so borrowed, with Interest, by Mortgage of the Undertaking, as by the said first-recited Act mentioned, and, if they so think fit, of the future Calls, or any of them, to be made on the Shareholders. Power to borrow Money.

VII. And be it enacted, That if after having borrowed any Part of the Money so authorized to be borrowed on Mortgage the said Company shall pay off the same, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time. Re-borrowing.

VIII. And be it enacted, That every Mortgage for securing Money borrowed by the Company under the Powers of this Act shall be by Deed under the Common Seal of the Company, duly stamped, and wherein the Consideration shall be truly stated; and every such Mortgage may be according to the Form prescribed by the said first-recited Act or to the like Effect. Mortgages.

IX. And be it enacted, That the respective Mortgagees shall be entitled one with another to their respective Proportions of the Tolls, Sums, Premises, and future Calls (if any) comprised in such Mortgages, according to the respective Sums in such Mortgages mentioned to be advanced by such Mortgagees respectively, and to be repaid the Sums so advanced, with Interest, without any Preference one above another, by reason of Priority of the Date of any such Mortgage, or of the Meeting at which the same was authorized, or on any other Account whatsoever. Rights of Mortgagees.

X. Provided always, and be it enacted, That all Mortgages already entered into under the Powers of the said recited Acts, or either of them, shall during the Continuance thereof have Priority over any Security by this Act authorized to be given. Mortgages under former Acts to have Priority.

XI. And be it enacted, That the Interest on any such Mortgage shall not be transferrable except by an Instrument duly stamped. Transfers to be stamped.

XII. Pro-

Mortgages
or Transfers
of Mort-
gages to be
by Deed duly
stamped.

XII. Provided always, and be it enacted, That every Mortgage or other Security for Money, and every Transfer of any Share, Mortgage, or other Security to be granted or made by virtue of this or the said recited Acts, shall be by Deed duly stamped, wherein the Consideration for the same shall be truly stated, any thing herein or in the said recited Acts contained to the contrary notwithstanding.

But the Pub-
lic Works
Loan Com-
missioners
to have Pri-
ority over all
other Mort-
gages.

XIII. And be it enacted, That this Act shall not operate to defeat or prejudice any Right of Priority to which, under the said first-recited Act, the Commissioners for carrying into execution an Act of Parliament passed in the First and Second Years of the Reign of King *William* the Fourth, Chapter Twenty-four, and an Act of Parliament passed in the Second Session of the Fifth Year of the Reign of Her present Majesty, Chapter Nine, and the various Acts therein recited, may be entitled, over all other Mortgages, Charges, and Securities of the Company, in respect of a Mortgage made by the Company to the Secretary of the said Commissioners for securing the Sum of Fifty thousand Pounds already lent by the said Commissioners to the Company, and the Interest thereof: Provided always, that all the Powers and Provisions in the said first-recited Act contained, enabling the Company to borrow from the said Commissioners all or any Part of the Money by that Act authorized to be borrowed, and to give Security for the same, shall extend and apply to enable the said Company to borrow from the said Commissioners all or any Part of the Money by this Act authorized to be borrowed, and to give Security for the same; and every such Security so to be given under this Act shall have the same Precedence, Force, and Effect with regard to Monies borrowed under the Authority of this Act as any such Security authorized to be given by the said first-recited Act would have with regard to Monies borrowed under the Authority of the first-recited Act, but not with regard to any Monies already borrowed or Security already given under the Powers of the said recited Act.

Power to
convert Loan
into Capital.

XIV. And be it enacted, That it shall be lawful for the Company, if they think fit, to raise the additional Sum so authorized to be borrowed, or any Part thereof, by creating new Shares of the Company, of such nominal Value, at such Price, and with such Advantages as they may think fit, instead of borrowing the same; or, having borrowed the same, it shall be lawful for them to continue at Interest only a Part of such additional Sum, if they so think fit, and to raise the Remainder thereof, or any Part of the Remainder thereof, by creating new Shares of the Company in manner afore-said; but no such Augmentation of Capital shall take place without the Authority of an Order of a General Meeting of the Company called for the Purpose previously obtained.

Payment of
Subscriptions
before Call.

XV. And be it enacted, That the Company may, if they think fit, receive from any of the Shareholders willing to advance the same all or any Part of the Monies payable upon their respective Shares beyond the Sums actually called for; and upon the Monies so paid in advance, or so much thereof as from Time to Time shall

exceed the Amount of the Calls made upon the Shares in respect of which such Advance shall have been made, the Company may pay Interest at such Rate, not exceeding Six Pounds *per Centum per Annum*, as the Shareholder paying such Sum in advance and the Company shall agree upon.

XVI. And be it enacted, That the Proprietors of any new Shares created under the Powers of this and the said first-recited Act, or either of them, shall be entitled to such Number of Votes in respect thereof as the nominal Amount represented by such Shares would have entitled them to if such Shares had been original Shares in the said Undertaking, and no Proprietor shall be entitled to any Vote unless possessed of some Share or Shares representing One hundred Pounds at least Capital Stock of the Company.

As to Votes
of Proprietors
of new
Shares.

XVII. And whereas by the said first-recited Act it is provided that there shall be a Half-yearly General Meeting of the said Company in the Month of *February* and in the Month of *August* in each and every Year; but it has been found that such Meetings cannot be conveniently held at the said Periods, and it is expedient that the same should be altered; be it therefore enacted, That after the passing of this Act the Half-yearly General Meetings of the said Company shall be held in the Month of *February* or *March* and *August* or *September* respectively, in lieu of the Periods appointed by the said first-recited Act, and all Business required by the said first-recited Act to be done at a Half-yearly Meeting to be held in the Month of *February* shall be done at the Meeting to be held in the Month of *February* or *March*, and all Business required by the said first-recited Act to be done at a Meeting to be held in the Month of *August* shall be done at the Meeting to be held in the Month of *August* or *September*.

Altering the
Period of
General
Meeting.

XVIII. And be it enacted, That a Special General Meeting of the Company shall be duly convened by the Directors according to the Provisions of the said first-recited Act, and shall be duly held within Two Calendar Months after the passing of this Act, at which Meeting all the Directors of the said Company then in Office shall retire from Office and cease to be Directors; and from and after such Retirement the Number of the Directors of the said Company shall be reduced to and shall consist of such Number, not exceeding Ten nor less than Eight, as may be determined upon at such Meeting, and the said reduced Number shall be elected by the Shareholders present, either personally or by Proxy, at the said Meeting, in the same Manner as the Directors of the said Company were required to be elected by the said first-recited Act at the First General Meeting of the Company; and all the Provisions contained in the said first-recited Act applicable to the First Election of Directors, and to the Continuance in Office of the Directors named in and appointed by the said first-recited Act until such Election, shall apply and extend to the Election of the said reduced Number of Directors under this Act, and to the Continuance in Office, until such Election of the Directors who shall be in Office at the Time of such Special General Meeting to be held after the passing of this

For reducing
the Number
of Directors.

[*Local.*]

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Act:

Act: Provided always, that all Proceedings of the said Directors, when their Number shall have been so reduced as aforesaid, shall be as valid as though the Number of Directors prescribed by the said first-recited Act had not been so reduced; and provided also, that any Three of such reduced Number of Directors shall be competent to act.

For the Retirement and annual Election of Directors by Rotation.

XIX. And be it enacted, That the Directors so to be elected, or the Directors who may be elected to supply the Places of any of them who may die or resign, or become disqualified or incompetent to act, shall continue in Office until the General Meeting of the Company to be held in the Month of *February* or *March* in the Year One thousand eight hundred and forty-four, and at the said Meeting so to be held as last aforesaid, and at the annual General Meeting to be held in the Month of *February* or *March* in each succeeding Year, Two of the Directors, or as near thereto as the Number of the said Directors will admit of, to be decided by Lot among themselves, from amongst those who have been longest in Office, shall retire from Office and cease to be Directors, and the Places of the retiring Directors shall be supplied by the Election by the Shareholders, under the Provisions of the said first-recited Act, of an equal Number of Shareholders, duly qualified to fill the Office of Directors; and every Director retiring from Office, either at the said First Meeting to be held after the passing of this Act, or at any subsequent Meeting, may be re-elected immediately or at any future Time, and after Re-election shall, with reference to the going out by Rotation, be considered as a new Director.

Time extended for compulsory Purchase of Lands.

XX. And be it enacted, That the compulsory Powers conferred on the said Company by the said first-recited Act for the Purchase or taking of Lands for the Purposes of the said Railway shall (as regards the Lands mentioned in the Schedule to this Act annexed) be and the same are accordingly hereby revived, and the Period limited by the said Act for the Exercise of such Powers shall be and the same is accordingly hereby extended for a Period of Two Years from the passing of this Act.

Time extended for Completion of Railway.

XXI. And be it enacted, That the Period limited by the said first-recited Act for the Completion of the Railway and Works thereby authorized to be made shall be and the same is accordingly hereby extended to the Fifth Day of *May* which will be in the Year of our Lord One thousand eight hundred and forty-seven.

Tolls to be charged equally.

XXII. And be it enacted, That all Tolls for the Use of the said Railway shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and all Goods, Animals, or Carriages of a like Description, and conveyed or propelled by a like Carriage or Engine, and that all Tolls for Carriages and the Use of locomotive Power shall be at all Times charged equally to all Persons, and after the same Rate, whether *per* Mile, or *per* Ton *per* Mile, or otherwise, in respect of all Passengers, and of all Goods, Animals, or Carriages of a like Description, and conveyed or propelled

pelled by a like Carriage or Engine passing on the same Portion of the Line of the said Railway under the like Circumstances; and no Reduction or Advance in any such Tolls for the Use of the said Railway, or for the Conveyance by the Company, or for the Use of any locomotive Power to be supplied by them, shall be made, either directly or indirectly, in favour of or against any particular Company or Person travelling upon or using the same Portion of the said Railway under similar Circumstances.

XXIII. And be it enacted, That the Company shall every Year cause an annual Account in Abstract to be prepared, showing the total Receipts and Expenditure of all Funds levied by virtue of this and the said recited Acts, for the Year ending on the Thirty-first Day of *December* or some other convenient Day in each Year, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Directors, or some of them, and shall transmit a Copy of the said Account, free of Charge, to the Clerks of the Peace for the Counties of *Chester, Lancaster, Derby*, and the West Riding of the County of *York*, on or before the Thirty-first Day of *January* then next, which Account shall be open to the Inspection of the Public at all seasonable Hours, on Payment of the Sum of One Shilling for every such Inspection: Provided always, that if the said Company shall omit to prepare or transmit such Account as aforesaid, they shall forfeit for every such Omission the Sum of Twenty Pounds.

Annual Account to be made up, and a Copy transmitted to the Clerks of the Peace.

XXIV. And be it enacted, That if any Person omit to shut and fasten any Gate set up across or at either Side of the said Railway, as soon as he, and the Carriage, Cattle, or other Animals under his Care, have passed through the same, he shall forfeit for every such Offence a Sum not exceeding Forty Shillings.

Penalty on Persons omitting to fasten Gates.

XXV. Provided always, and be it enacted, That nothing herein contained shall be deemed or construed to exempt the Railway by the said first-recited Act authorized to be made from the Provisions of any general Act relating to Railways which may pass during the present or any future Session of Parliament.

Provision for general Railway Act.

XXVI. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

Public Act.

The SCHEDULE to which this Act refers,
Specifying the Lands for the Purchase of which the Period limited by the first-
recited Act is extended.

In the Township of Hunshelf, in the Parish of Peniston, in the County of York.

Number on the Plans and Books of Reference referred to in the Act of 7 Will. 4. recited in this Act.	Present Description.	Present Owner or reputed Owner.	Present Lessee or reputed Lessee.	Present Occupier.
5	Arable Field -	George Greaves -	- - -	George Mallinson.
7	Ditto - -	Ditto - -	- - -	Ditto.
8	Pasture Field -	Ditto - -	- - -	Ditto.
9	Pasture and Arable Field.	Ditto - -	- - -	Ditto.

In the Township of Oxspring, in the Parish of Peniston, in the County of York.

25	Pasture Field -	John Rolling & Henry Rolling.	- - -	John Rolling and Henry Rolling.
37	Ditto - -	Ditto - -	- - -	Ditto.
39	Ditto - -	Ditto - -	- - -	Ditto.
40	Ditto - -	Ditto - -	- - -	Ditto.
46	Ditto - -	John Beckett -	- - -	John Beckett.
54	Arable Field -	Ditto - -	- - -	Ditto.
59	Ditto - -	Ditto - -	- - -	Ditto.
60	Ditto - -	Ditto - -	- - -	Ditto.
59	Ditto - -	George Pashley -	- - -	George Pashley.
60	Ditto - -	Ditto - -	- - -	Ditto.